

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1783 of 2022**

Arising Out of PS. Case No.-363 Year-2021 Thana- KONCH District- Gaya

DEEPAK KUMAR Son of Vijay Sharma @ Vijay Singh Resident of Village -
Konch P.S.- Konch, Distt.- Gaya.

... .. Appellant/s

Versus

1. The State of Bihar
2. Manish Kumar Singh Son of Not Known to the Appellant Incharge Medical Officer, Primary Health Center , Konch Resident of Village - Primary Health Center Konch, P.s.- Konch and Distt.- Gaya.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Manish Kumar No2, Adv.
For the Respondent/s : Mr.Binay Krishna, Spl.PP.

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

3 19-07-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. Learned Spl.PP. for the State submits that vide order dated 22.02.2023, he informed the informant to appear in the present appeal through his counsel, but nobody appears on his behalf.

3. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 25.04.2022 passed by learned Exclusive Special Judge (SC/ST Act), Gaya in connection with Konch P.S.



Case No. 363 of 2021 registered under Sections 341, 323, 353, 504 and 506 of the Indian Penal Code and Section 3(1) (r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. The prosecution case, in brief, is that on 04.11.2021 at about 07:30 P.M., injured Rajbali Yadav, Sukhendra Yadav have been brought by family members and others. It is said that doctor on duty, namely, Dr. Sachidanand Kumar immediately gave treatment and referred the patient to ANMMCH, Gaya but unwanted interference was made by local reporter of Prabhat Khabar, namely, Deepak Kumar. He instigated the attendants and used caste slogans and order to assault, thereafter, accused persons assaulted the doctor and staffs.

5. It is submitted by learned counsel for the appellant that appellant is quite innocent and has committed no offence. No such occurrence as alleged ever took place. It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. The allegation levelled against the appellants is not specific rather general and omnibus in nature. It is further submitted that neither the informant nor the victims of this case belong to scheduled caste, hence provision of SC/ST Act is not applicable in this case. Appellant



has no criminal antecedent.

6. Learned Spl. PP for the State opposed the prayer for bail and submitted that on perusal of para nos. 6 & 7 of case diary, it is evident that Dr. Sachidanand Kumar has not levelled any allegation against the petitioner regarding abusing him and other staffs by taking their caste name, but *Adeshpal* Madan Prasad has stated before the Police that the appellant had abused the doctor and others by taking the caste name.

7. In the facts and circumstances of the case, as there is specific allegation of abusing by taking the caste name against the appellant, I am not inclined to enlarge the appellant on bail. The prayer for bail is hereby rejected.

8. Accordingly, this appeal is dismissed.

(Anjani Kumar Sharan, J)

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